

ORIGINAL



0000015883

Arizona Corporation Commission

ORIGINAL

RECEIVED DOCKETED

DEC 07 2000

BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

2000 DEC -7 P 1:00

DOCKETED BY	UR
-------------	----

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
RANCHO CABRILLO WATER COMPANY FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE.

DOCKET NO. W-03898A-00-0474

PROCEDURAL ORDER

BY THE COMMISSION:

On July 13, 2000, Rancho Cabrillo Water Company ("Applicant") filed an application for approval of a Certificate of Convenience and Necessity ("Certificate") to provide water service for property located in Maricopa County, Arizona, approximately 10 miles west of Interstate 17 near Happy Valley Road.

On August 3, 2000, the Arizona Corporation Commission's ("Commission") Utilities Division ("Staff") filed its Sufficiency Letter indicating that the Applicant has met the sufficiency requirements of R14-2-402C. Accordingly, the matter should be set for hearing.

On August 8, 2000 a Procedural Order was issued setting the matter for hearing on November 14, 2000 at 10:00 a.m.

On August 17, 2000, Rancho Cabrillo certified that it mailed notice of the hearing to each of its customers by first-class U.S. mail on August 15, 2000.

On October 17, 2000, Rancho Cabrillo filed a request to withdraw the application as a result of its belief that the area was certificated to another company.

On October 19, 2000, a Procedural Order was issued vacating the hearing and administratively closing the docket.

On November 30, 2000, Rancho Cabrillo filed a letter indicating that it learned subsequent to the closure of the docket that the area is not certificated.

On December 6, 2000, Staff filed a Response to Rancho Cabrillo's Request to Re-Open the Docket.

IT IS THEREFORE ORDERED that the matter shall be re-opened.

1 IT IS FURTHER ORDERED that the hearing in the above-captioned matter shall be held on
 2 February 8, 2001, at 10:00 a.m. or as soon thereafter as is practical, at the Commission's offices,
 3 1200 Washington Street, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that Applicant shall serve public notice of the hearing in this
 5 matter, in the following form and style:

6 **PUBLIC NOTICE OF HEARING ON APPLICATION FOR**
 7 **RANCHO CABRILLO WATER COMPANY FOR A**
 8 **CERTIFICATE OF CONVENIENCE**
 9 **AND NECESSITY IN THE STATE OF ARIZONA**

10 On July 13, 2000, Rancho Cabrillo Water Company ("Applicant") filed an
 11 application for approval of a Certificate of Convenience and Necessity ("Certificate")
 12 to provide water service to the community of Rancho Cabrillo, a development located
 13 in Maricopa County, Arizona, approximately 10 miles west of Interstate 17 near
 14 Happy Valley Road. If the application is granted, Applicant would be the exclusive
 15 provider of water service to the proposed area. The Applicant will be required by the
 16 Commission to provide these services under the rates and charges and terms and
 17 conditions established by the Commission. The granting of the application would not
 18 necessarily prohibit an individual from providing service to that individual's property
 19 from an individually-owned well on that individual's property.

20 The application is available for inspection during regular business hours at the
 21 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
 22 Arizona and at the Applicant's offices, 9532 East Riggs Road, Sun Lakes, Arizona
 23 85248.

24 The Commission will hold a hearing on this matter on February 8, 2001 at
 25 10:00 a.m., or as soon thereafter as is practical, at the Commissions offices, 1200 West
 26 Washington Street, Phoenix, Arizona. As a property owner or customer you may have
 27 the right to intervene in the proceeding. If you do not want to intervene, you may
 28 appear at the hearing and make a statement on your own behalf. Intervention shall be
 permitted to any person entitled by law to intervene and having a direct and substantial
 interest in the matter. Persons desiring to intervene must file a written notice to
 intervene with the Commission, which motion should be sent to the Applicant or its
 counsel and to all parties of record, and which, at the minimum, shall contain the
 following:

1. The name, address, and telephone number of the proposed intervenor
and of any party upon whom service of documents is to be made if
different than the intervenor.
2. A short statement of the proposed intervenor=s interest in the
proceeding (e.g., a customer of the Applicant, a shareholder or member
of the Applicant, etc.)
3. A statement certifying that a copy of the motion to intervene has been
mailed to the Company or its counsel and to all parties of record in the
case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
2 except that all motions to intervene must be filed on or before February 1, 2001 by 12
3 noon. The granting of intervention, among other things, entitles a party to present
4 sworn evidence at hearing and to cross-examine other witnesses. However failure to
5 intervene will not preclude any customer from appearing at the hearing and making a
6 statement on such customer=s own behalf. However, you will not receive any further
7 notice of the proceeding unless requested by you.

8 If you have any questions or concerns about this application or have any
9 objections to its approval, or wish to make a statement in support of it, you may write
10 the Consumer Services Section of the Commission at 1200 West Washington Street,
11 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
12 comment.

13 The Commission does not discriminate on the basis of disability in admission to
14 its public meetings. Persons with a disability may request a reasonable accommodation
15 such as a sign language interpreter, as well as request this document in an alternative
16 format, by contacting Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone
17 number 602/542-0838, E-mail *csandoval@cc.state.az.us*. Requests should be made as
18 early as possible to allow time to arrange the accommodation.

19 IT IS FURTHER ORDERED that Applicant shall mail to all property owners in the requested
20 certificate area a copy of this notice by first-class U.S. Mail, to begin as soon as possible and to be
21 completed on or before January 10, 2001.

22 IT IS FURTHER ORDERED that Applicant shall file certifications of mailing as soon as
23 practicable after the mailing has been completed but no later than February 1, 2001.

24 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing,
25 notwithstanding the failure of an individual property owner to read or receive the notice.

26 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
27 except that all motions to intervene must be filed **by 12 noon** on February 1, 2001.


28 IT IS FURTHER ORDERED that Staff shall file its Staff Report in this matter **by 12 noon** on
January 12, 2001.

IT IS FURTHER ORDERED that responses by the Applicant, if any, to Staff's Report or
Intervenor testimony shall be filed **by 12 noon** on January 26, 2001.

...
...
...
...

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 7th day of December, 2000.


 STEPHEN GIBELLI
 ACTING ASSISTANT
 ADMINISTRATIVE LAW JUDGE

CHIEF

Copies of the foregoing mailed
 this 7th day of December, 2000 to:

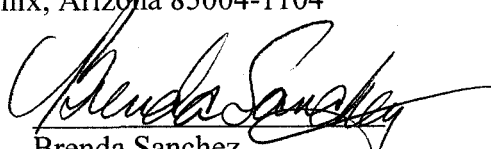
Steve Robson
 Rancho Cabrillo Water Company
 9532 East Riggs Road
 Sun Lakes, Arizona 85248

Mike Tiffany
 TIFFANY AND BOSCO PA
 1850 North Central Avenue, Suite 500
 Phoenix, Arizona 85004

Lyn Farmer, Chief Counsel
 Legal Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, Arizona 85007

Deborah Scott, Director
 Utilities Division
 ARIZONA CORPORATION COMMISSION
 1200 West Washington Street
 Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
 2627 N. Third Street, Suite Three
 Phoenix, Arizona 85004-1104

By: 
 Brenda Sanchez
 Secretary to Stephen Gibelli